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WAYNE LEE HAUZER

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:22-CR-93-DAD-1
)
Plaintiff,) STIPULATION AND ORDER TO CONTINUE
) STATUS CONFERENCE AND EXCLUDE TIME
vs.)
) Date: January 17, 2023
WAYNE LEE HAUZER,) Time: 9:30 A.M.
) Judge: Hon. Dale A. Drozd
Defendant.)
_____)

IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip A. Talbert, through Assistant United States Attorney Shelley Weger, counsel for Plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Christina Sinha, counsel for Mr. Hauzer, that the status conference, currently set for January 17, 2023, may be **continued to February 21, 2023 at 9:30 a.m., with a time exclusion under Local Code T4 from January 17, 2023 through and including February 21, 2023.**

The parties hereby stipulate as follows:

1. On August 25, 2022, the Honorable Chief Judge Kimberly J. Mueller reassigned this case to the Honorable Judge Dale A. Drozd. ECF 24. The parties previously entered exclusions of time through and including January 17, 2023.

2. The defense moves to continue the status conference and requests an exclusion of time under Local Code T4 from January 17, 2023 through and including February 21, 2023, at

1 which time, the parties anticipate the case will either resolve via plea or be set for trial.

2 3. The parties specifically agree and further stipulate, and request that the Court find
3 the following:

4 a. The indictment in this matter was filed on April 28, 2022. ECF No. 14.

5 b. The government has produced discovery that consists of over 5,600 pages of Bates-
6 labeled items, which include investigative reports, search warrants, third party
7 records, audio recordings of the defendant's statements, and a 762-page document
8 containing a sanitized version (with all material covered by 18 U.S.C. § 3509(m)
9 removed) of certain key evidence that was extracted from defendant's cell phone.
10 In addition, the government has made physical evidence available for defense
11 review at the FBI's Roseville office. The physical evidence includes electronic
12 devices, a firearm, ammunition, and evidence that must stay in the possession of
13 the government pursuant to 18 U.S.C. § 3509(m). Defense counsel has conducted
14 an initial review of the physical evidence at FBI, including reviewing some of the
15 alleged child pornography.

16 c. Since the start of the case, the defense has been reviewing and analyzing the above,
17 conducting legal research, meeting with Mr. Hauzer (who is now in custody at the
18 Yuba Jail), consulting with experts, conducting a factual investigation, and
19 otherwise preparing for trial.

20 d. The above tasks are ongoing, and the defense requires additional time to review the
21 most recent discovery, analyze its impact on the case, continue its legal research,
22 explore potential resolutions, research potential pretrial motions, and otherwise
23 prepare for trial.

24 e. Accordingly, the defense respectfully requests to continue the status conference to
25 February 21, 2023. At that hearing, the defense anticipates either setting the matter
26 for trial or converting the status into a change of plea hearing.

27 f. Defense counsel believes that failure to grant the requested continuance would deny
28

her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

g. The government does not object to the continuance.

h. Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

i. For the purpose of computing time under 18 U.S.C. § 3161 *et seq.* (the Speedy Trial Act), the parties request that the time period between January 17, 2023 and February 21, 2023, inclusive, be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (Local Code T4), because, if granted, it would result from a continuance granted by the Court at the defendant's request, based on a finding that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Hauzer in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Date: January 10, 2023

/s/ Christina Sinha
CHRISTINA SINHA
Assistant Federal Defender
Attorneys for Defendant
WAYNE LEE HAUZER

Date: January 10, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ Shelley Weger
SHELLEY WEGER
Assistant United States Attorney
Attorneys for Plaintiff

ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

IT IS SO ORDERED.

Dated: **January 11, 2023**


UNITED STATES DISTRICT JUDGE